

REMARKS

Applicants have carefully reviewed the Notice of Allowance dated May 10, 2011, as well as the art cited during prosecution to date. Based on that review, Applicants have determined that they are entitled to broader protection than which the allowed claims provided. Accordingly, in connection with the Request for Continued Examination, Applicants have amended claims 2-7, 9-10, 12-14 and 31-32. In addition, new dependent claims 34-41 have been added. Claims 1, 8 and 15-30 have been canceled. Thus, after entry of this amendment, claims 2-7, 9-14 and 31-41 are pending.

While of differing scopes, independent claims 14 and 31 each include patentable subject matter that is not shown in the cited prior art, and in particular, Buzzard (U.S. 6,162,187) in view of Siegmund (U.S. 4,598,698). For example, with respect to claim 14, Buzzard, alone or in combination with Seigmund, fails to teach, suggest or disclose the structural components of the claimed fluid connector, including a first check valve that is configured to automatically open when a vacuum is introduced through the biopsy device and to the fluid connector. Nor does Buzzard, alone or in combination with Seigmund, teach, suggest or disclose the claimed biopsy system set forth in claim 31. For example, the cited prior art fails to teach, suggest or disclose a biopsy system having a first check valve that is configured to open and automatically pass a first fluid from a first fluid source in response to a vacuum from a vacuum source, causing the first fluid to be delivered into the outer cannula. Accordingly, claims 14 and 31 are patentable over the cited combination.

The remaining claims all depend either directly or indirectly from claims 14 or 31 and are therefore patentable simply by virtue of their dependency upon an allowable base claim.

Conclusion

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

Any fees due with this response are identified in an accompanying transmittal. However, if any additional fees are due, please charge our Deposit Account No. 18-0013, under

Application No. 10/786,727
Amendment dated August 31, 2011
Reply to Notice of Allowance

Docket No.: 65937-0045

Order No. 65937-0045 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

Dated: August 31, 2011

Respectfully submitted,

Kristin L. Murphy
Registration No.: 41,212
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 82078
Attorney for Applicant